



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

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Suhel Siddiqui
Mesa Design Architects
30141 Agoura Road, Suite 210
Agoura Hills, CA 91301

WATER QUALITY CERTIFICATION FOR PROPOSED HYDAM MEDICAL PLAZA PROJECT (Corps' Project No. 2004-00226-JWM), UNNAMED TRIBUTARY TO ARROYO CONEJO, CITY OF THOUSAND OAKS, VENTURA COUNTY (File No. 04-006)

Dear Mr. Siddiqui:

Regional Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 6, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

_____[June 17, 2004]_____
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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ATTACHMENT A

Project Information File No. 04-006

1. Applicant: Mesa Design Architects
30141 Agoura Road, Suite 210
Agoura Hills, CA 91301
Phone: (818) 991-3929 Fax: (818) 991-2153
2. Applicant's Agent: Suhel Siddiqui
30141 Agoura Road, Suite 210
Agoura Hills, CA 91301
Phone: (818) 991-3929 Fax: (818) 991-2153
3. Project Name: Hydam Medical Plaza
4. Project Location: City of Thousand Oaks, Ventura County

Latitude/Longitude Coordinates:

Northwest
34° 11' 01" N, 118° 54' 15" W

Northeast
34° 10' 59" N, 118° 54' 13" W

Southwest
34° 10' 56" N, 118° 54' 15" W

Southeast
34° 10' 56" N, 118° 54' 13" W
5. Type of Project: Development of a two-story medical building
6. Project Description: *Purpose:*
The purpose of the proposed project is to develop a two-story medical facility at 311 Haigh Road in the City of Thousand Oaks, California. In order to develop the proposed medical facility, a small unnamed tributary to the Arroyo Conejo which bisects the property must be culverted.

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The project site is characterized as a highly disturbed property which was previously developed with buildings. The on-site drainage is the downstream extension of a concrete-lined structure which connects to the Arroyo Conejo. Portions of the downstream extension of the on-site drainage are either culverted or concrete-lined. Water enters and exits the property through 36-inch concrete culverts.

Description:

The proposed project will connect the on-site drainage with the up- and downstream portions of the culverted channel. The on-site drainage will be replaced with a 60" pipe for a length of 130 feet. Approximately 0.24 acres of waters of the United States will be permanently impacted as a result of the proposed project.

- | | |
|--|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP Nos. 39 and 33 (Permit No. 2004-00226-JWM) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The City of Thousand Oaks approved the project's Notice of Exemption (Categorical Exemption, Section 15332) on December 30, 2003. |
| 10. Receiving Water: | Unnamed tributary to Arroyo Conejo (Hydrologic Unit No. 403.68) |
| 11. Designated Beneficial Uses: | MUN*, GWR, FRSH, REC1, REC2, WARM, WILD

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated streambed): 0.024 permanent acres |

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13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Staging or storage areas for equipment and materials shall be located outside of jurisdictional areas;
 - Vehicles shall not be driven or equipment operated in water covered portions of the creek;
 - No debris, trash, sediment or construction waste shall be placed into the work area where it could potentially be washed by rainfall or runoff;
 - As operations are completed, any excess materials or debris shall be removed from the work area;
 - Vegetation shall not be removed or disturbed from March 1st to September 15th to avoid impacts to breeding/nesting birds; unless surveys are performed according to Dept. of Fish & Game Streambed Alteration Agreement (1600-2004-0057-R5) conditions; and
 - Activities shall be limited to the dry season.

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16. Required
Compensatory
Mitigation:

The Applicant shall provide compensatory mitigation for the permanent impacts associated with this project (0.024 acres) at a ratio of 3:1 (acreage basis). The Applicant shall provide this mitigation by contributing the equivalent of 0.072 acre in-lieu fees to an Army Corps approved In-Lieu Fee Program; for the restoration and protection of riparian and wetland resources within either the Calleguas Creek or Malibu Creek watershed. The Applicant shall submit full payment by June 30, 2004 and shall supply documentation of payment to the Regional Board before commencement of the project activities.

ATTACHMENT B

Conditions of Certification File No. 04-006

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities,

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erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

11. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
12. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.024 acres** of waters of the United States by contributing the equivalent of **0.072 acre** in-lieu fees (**3:1** mitigation ratio) to an Army Corps approved In-Lieu Fee Program; for the restoration and protection of riparian and wetland resources within either the Calleguas Creek or Malibu Creek watershed. The Applicant shall submit full payment by June 30, 2004 and shall supply documentation of payment to the Regional Board before commencement of the project activities. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

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14. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
15. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Conditions of Certification
File No. 04-006

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

____ (Signature)
____ (Title)''

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21. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
22. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
23. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.